

REMARKS

35 U.S.C. §103

Claims 7-16 and 21-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,338,678 to Seelig et al in view of U.S. Patent No. 5,380,007 to Travis et al. For the reasons set forth below, Applicant disputes the Examiner's position.

The Examiner first cites Seelig (column 5:54-6:5 and 2:8-10) for the proposition that Seelig discloses "...multiple indicators being circulated until one or more indicators are selected..." (Office Action, page 3). This is simply not accurate. Seelig does not select an indicator from the circulated indicators. To the contrary, Seelig selects an indicator from a separate collection of concealed non-circulated indicators. Indeed, Seelig specifically refutes and teaches away from selecting circulated indicators. (column 2, lines 13-40). The claimed embodiments of the present invention overcome the specific problems associated with selecting indicators from within the container as referenced by Seelig.

The Examiner next indicates that no stated problem has been solved nor unexpected result obtained through the claimed embodiments because the alterations are held to be a matter of design choice. (Office Action, page 5). Again, this is simply not accurate. The solved problem is one of player trust. With the house already having the advantage with every game of chance offered, players are inherently skeptical of games of chance. This is especially true with slot machines which are completely controlled by processors and computers. How does the player know that the machine is legitimately random? With the current invention, the player is able to observe the entire process of one or more indicators (e.g., cubes) being selected from the container (e.g., blender). This relieves player concern over the legitimacy of the game. Seelig is exactly the opposite. The Seelig machine selects balls using a random number generator or similar device to select a ball from a concealed ball holder and presents them as though they were selected from the observable ball container. (column 6, lines 4-9). Players are made to believe that the selected ball was selected from the ball container when in fact, it was not. If players knew how the Seelig machine worked, they would be skeptical and may even stop playing.

Players prefer to view what is happening to determine the game outcomes. There is no hiding the jumbled or agitated indicators of the present invention. Moreover, players are able to observe the outcome process allowing them to root for desired outcomes (e.g., selection of a jackpot cube) thus heightening the anticipation. Again, Seelig does not offer this to players. To better differentiate the present invention from Seelig, the independent claims have been amended to recite that said random isolation not linked to any machine processor or random number generator. That is, the indicators are not selected by a processor or random number generator but dictated by the number of each award indicator in the container. Players can therefore follow a jackpot indicator as it disperses about the indicator container and hope that it is selected.

The Examiner further states that if the award container is concealed or not, an award indicia is still separated from the set of indices into a cylindrical display to exhibit a player's award. (Office Action, page 6). While there is some truth to the Examiner's statement, there is a significant difference in that Seelig conceals the set of indices from view of the player while with the present invention the indicators are always in view. Again, with the indicators in view, players are less skeptical and able to actively participate (e.g., cheer or root) on a desired game outcome.

One need only look to the popularity of the Wheel of Fortune slot machine to understand that players enjoy viewing the game outcomes being determined. With Wheel of Fortune players are able to view the mechanical bonus wheel spinning. Indeed, with the present invention, the player is provided with an even more likable selection process because the indicators are selected in a true random fashion. That is, the mechanical spinning wheel of the Wheel of Fortune game is still controlled by the processor such that it stops at a location determined on a weighted scale. On the other hand, the indicators of the present invention are not controlled in any fashion but are randomly selected in direct view of the player.

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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